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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,287	10/09/2003	Krishna Balachandran	29250-001082/US	9239

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 8910
Reston, VA 20195

EXAMINER

LAM, DUNG LE

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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01/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/681,287	Applicant(s) BALACHANDRAN ET AL.	
	Examiner DUNG LAM	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/23/08 has been entered.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 1- 5, 7-13 rejected under 35 U.S.C. 102(e) as being anticipated by **Sinnaraja** (US Pub No. 2003/0114177).

2. Regarding **claim 1**, **Sinnaraja** teaches a method triggering generation of a registration of a mobile station in a network supporting broadcast multicast services, comprising:

- triggering generation of a registration message when flow and frequency both change (At time T4, when the frequency is changed to **fy** and flow is changed to HSBS channel **302c**, a registration occurs, [0068-0071], Fig. 3, also [0081-0082] discloses that MS registers when it wants to tune to a change to HSBS channel that changes the frequency), from a first frequency to a second frequency not known to the network from the first flow identifier information previously registered by the mobile station (When a broadcast service registration is received for HSBS_ID=i, base station adds HSBS channel identifier to page_set_i{f_{power_up},i}; para. **66**, 64, 70-71, 82), and
- not triggering generation of a registration message when flow or frequency alone change". (Sinnarajah teaches triggering a registration when a user desires to tune to different channels at different time instances. This means when a period of time has past, a user's desire is changed, the timer/counter is changed along with the desired frequency or flow is changed, then a registration is triggered. Thus Sinnarajah's registration is triggered when at least two conditions [time along with frequency or time along with flow] change and thus not register when frequency or flow alone change; see paragraphs 72-75).

3. Regarding **claim 5**, **Sinnaraja** teaches a method of paging a mobile station comprising:

- paging a mobile station on a given frequency in response to a registration message received from the mobile station indicating the mobile station's presence on that given frequency (para. 59, 79 and 81),
- wherein registration message is generated when flow and frequency both change (At time T4, when the frequency is changed to **fy** and flow is changed to HSBS channel **302c**, a registration occurs, [0068-0071], Fig. 3, [0082]), from a first frequency to a second frequency not known to the network from the first flow identifier information previously registered by the mobile station (para. 64, 66, 70-71, 82), and
- wherein said registration message is not generated when flow or frequency alone change". (Sinnarajah teaches triggering a registration when a user desires to tune to different channels at different time instances. This means when a period of time has past, a user's desire is changed, the timer/counter is changed along with the desired frequency or flow is changed, then a registration is triggered. Thus Sinnarajah's registration is triggered when at least two conditions (time along with frequency or time along with flow) change and not just frequency or flow alone change; see paragraphs 72-75).

4. Regarding **claim 10**, **Sinnaraja** teaches a method of determining a frequency of broadcast multicast content being monitored by a mobile station in a wireless network, comprising:

- generating, at the mobile station, a registration message when flow and frequency both change (At time T4, when the frequency is changed to **fy** and flow is changed to HSBS channel **302c**, a registration occurs, [0068-0071], Fig. 3, [0082]), from a first frequency to a second frequency not known to the network from the first flow identifier information previously registered by the mobile station,
 - not generating the registration message when flow or frequency alone change (Sinnarajah teaches triggering a registration when a user desires to tune to different channels at different time instances. This means when a period of time has past, a user's desire is changed, the timer/counter is changed along with the desired frequency or flow is changed, then a registration is triggered. Thus Sinnarajah's registration is triggered when at least two conditions (time along with frequency or time along with flow) change and not just frequency or flow alone change; see paragraphs 72-75); and
 - Determining an updated frequency being monitored by the mobile station from the generated registration message (para. 64, 66, 70-71 and 82).
5. Regarding **claims 2, 7, and 11**, **Sinnarajah** further teaches the first flow identifier information is a broadcast-multicast service flow ID that the mobile station had previously registered with the network ([0066, 0070-0071]).
6. Regarding **claims 3 and 8**, **Sinnarajah** teach that the first or second frequency monitored by the mobile station is a frequency of broadcast multicast content being

received by the mobile station (page_set contains frequency which Ms tunes to [0044-0045, 0066]).

7. Regarding **claim 4, 9 and 13, Sinnarajah** teaches a method, wherein triggering generation of the registration message includes the mobile station: changing from the first frequency to the second frequency (change from fx to fy [0069-0071]); determining whether presence of the mobile station's monitoring of the second frequency is known to the network, based on a broadcast-multicast service flow identifier that the mobile station previously registered with the network ([0081-0082], MS registers only there's a change in frequency which requires the step of determining whether the frequency is known ([0081-0082]); and transmitting a registration message to the network, if the second frequency does not correspond to a known frequency based on the broadcast-multicast service flow identifier (para. 64, 66, 70-71 and 81-82).

8. Regarding **claim 12, Sinnarajah** teaches a method of claim 10, wherein the frequency monitored by the mobile station is contained in the registration message (In response the registration, the page_setj contains the frequency the MS tunes to [0066]).

Claim 1 is further rejected under 35 U.S.C. 102(e) as being anticipated by **OZ** (US 7,451,475).

9. Regarding **claim 1, Oz** teaches a method triggering generation of a registration of a mobile station in a network supporting broadcast multicast services, comprising:

- triggering generation of a registration message when flow and frequency both change from a first frequency to a second frequency not known to the network

from the first flow identifier information previously registered by the mobile station (when user switch to a different TV channels which is on a different frequency, notification/registration of the change occurs by notifying the session manager unit 102, C12 L 5-13 and L35-41), and

- not triggering generation of a registration message when flow or frequency alone change” (the registration occurs when both frequency and TV channel occurs, C12 L 5-13 and L35-41)

Response to Arguments

Applicant's arguments with respect to claims 1-5 and 7-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUNG LAM whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 5:30 pm, Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

Application/Control Number: 10/681,287
Art Unit: 2617

Page 8